

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARK ANTHONY ROBINSON,

Plaintiff,

v.

RICHARD SOUTHERS, *et al.*,

Defendants.

Civil No. 3:13-CV-01603

(JUDGE MARIANI)
(Magistrate Judge Carlson)

ORDER

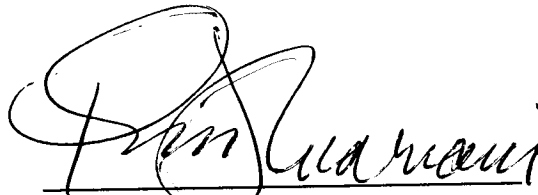
AND NOW, THIS 20th DAY OF DECEMBER 2019, upon consideration of twelve Report and Recommendations issued by Magistrate Judge Carlson (Docs. 146 ,147, 149, 151, 152, 155, 156, 158, 161, 162, 163, 165) and all relevant documents, for the reasons discussed in the simultaneously filed Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendations are **NOT ADOPTED** insofar as Magistrate Judge Carlson recommends dismissal of Plaintiff's surviving claims pursuant to Rule 20 of the Federal Rules of Civil Procedure.
2. The Report and Recommendations (Docs. 146 ,147, 149, 151, 152, 155, 156, 158, 161, 162, 163, 165) are **ADOPTED** in all other respects for the reasons set forth therein.
3. Defendants' Motion for Summary Judgment (Doc. 120) is **GRANTED IN PART** and **DENIED IN PART**.

4. Defendants' Motion for Summary Judgment (Doc. 120) is **DENIED WITHOUT PREJUDICE** as to 1) Plaintiff's claim that his due process rights were violated when Defendant Reisinger declined to recuse herself from a disciplinary hearing arising from a misconduct citation issued by Defendant Gardner (see Doc. 151 at 28); 2) Plaintiff's claim that Defendants Leedom, Pyral, and Saez failed to intervene when Plaintiff allegedly attempted to commit suicide (see Doc. 156 at 6); and 3) Plaintiff's claim that he was required to wear a spit mask whenever he left his cell for a period of five months (see Doc. 163 at 24).
5. The denial of summary judgment with regard to Plaintiff's attempted suicide claim is without prejudice only to the extent that Defendants may file an additional motion for summary judgment addressing the issue of administrative exhaustion as to that claim. Summary judgment is denied with prejudice as to the merits of the attempted suicide claim.
6. Defendants' Motion for Summary Judgment (Doc. 120) is **GRANTED** as to all other claims.
7. On or before **January 10, 2020**, remaining Defendants may file motions for summary judgment. Any such motions shall be limited to the following legal issues: 1) whether Plaintiff exhausted administrative remedies before filing suit with regard to Plaintiff's three remaining claims; 2) whether Defendants are entitled to summary judgment on the merits of Plaintiff's Eighth Amendment spit mask claim; and 3) whether

Defendants are entitled to summary judgment on the merits Plaintiff's claim that his due process rights were violated by Defendant Reisinger's failure to recuse herself from a disciplinary hearing.

8. Defendants Southers, Horner, Chambers, Whalen, Sword, Stum, Mihal, Gonzales, and Louis are granted summary judgment and dismissed from this case.
9. This case is remanded to Magistrate Judge Carlson for further proceedings consistent with this order.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge